



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: 200200597

Date: March 11, 2003

Comments Due: April 10, 2003

In reply, please refer to the Public Notice Number

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## TO WHOM IT MAY CONCERN:

**SUBJECT:** Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act to discharge fill material into 1.26 acres of waters of the United States, including wetlands, to move two existing diversions 200 feet upstream, increase storage capacity of Topaz Reservoir, and prevent flood events from overtopping existing dam and levee as shown on the attached drawings.

**APPLICANT:** Ken Spooner  
Walker Irrigation District  
410 N. Main Street  
P.O. Box 820  
Yerington, NV 89447

**LOCATION:** The proposed Topaz Reservoir Inlet Canal and Levee reconstruction project is located in Section 12, Township 9 North, Range 22 East, Mono County, California.

**PROJECT DESCRIPTION:** The flood waters of 1997 damaged existing diversion structures and threatened the integrity of the levee. The State of California, Division of Dam Safety, required the Walker Irrigation District to improve these existing structures. The applicant is proposing to move two existing flashboard diversion dams 200 feet downstream. These dams are used to control water flows from the West Walker River into the Topaz Reservoir inlet canal. The first dam is at the reservoir inlet canal and the second is on the West Walker River. After the new dams are constructed downstream of the existing dams, the existing dams would be removed and the river banks would be restored. In addition, a new lateral levee would be constructed west of the new reservoir inlet canal dam.

The applicant is also proposing to raise approximately two miles of an existing flood control levee and dam. The levee would be raised 3 feet and widened approximately 20 feet. The quarried material would be placed along the top and landside of the 6,500 foot-long levee and the 4,500 foot-long dam.

The applicant would set up three temporary construction access crossings. Two of the crossings would be spanned with railroad car bridges. The third crossing would impact jurisdictional waters. This crossing would be located at the new diversion structure along the inlet canal. The

flow would be stopped at the existing flashboard dam and diverted down the West Walker River. Once the flow has been diverted a temporary truck crossing would be constructed in the canal.

**AREA DESCRIPTION:** The project area is a large flood plain for the Walker River. The area has many relic oxbows and various vegetative communities. The waterside areas consists relic oxbows and willow scrub vegetation. The landside of the levee and dam have seasonal wetland areas and relic oxbows. The area adjacent to the dam and levee has some communities of large cottonwood trees and a small pond at the base of the dam. The areas higher in elevation that surround the project are dominated by sagebrush vegetation. The surrounding land has been used for cattle grazing and water is diverted from the West Walker River into the Topaz Reservoir inlet canal, and then into many irrigation ditches. The Topaz inlet canal was constructed in 1921 and the dam and levee were constructed in 1937 to increase water storage in Topaz reservoir. The canal was excavated and deepened in 1999 as part of a maintenance project because the 1997 water flows deposited large amounts of sand.

**ADDITIONAL INFORMATION:** The Presently unknown cultural resources may be located in the permit area. The applicant,s consultant must submit information to address Section 106 of the National Historical Preservation Act issues as part of the permit process.

The following endangered species or habitat for these species are present in the permit area: Bald Eagle (*Haliaeetus leucocephalus*) and Lahontan cutthroat trout (*clarki henshawi*). The Corps of Engineers will consult with the U.S. Fish and Wildlife Service pursuant to Section 7 consultation under the Endangered Species Act (ESA).

The District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation.

The applicant has submitted a mitigation plan that includes advance compensatory mitigation for project impacts. The mitigation work started in 1998. The mitigation consisted of breaching an old levee in three places along the West Walker River above the ordinary high water mark. Breaching allows high water flows to re-water a series of relic oxbows. The applicant states that 0.68 acres of drained wetlands have been turned into seasonal wetlands and 0.97 acres of formerly emergent wetlands have been restored.

Interested parties are invited to submit written comments on or before **April 10, 2003**. Personal information in comment letters is subject to release to the public through the Freedom of Information Act. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics,

aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

If additional information is required, please contact Walker River Irrigation District, Ken Spooner, telephone 775-463-3523, or Mr. Paul Maniccia, at the letterhead address, telephone 916-557-6704.

Michael J. Conrad, Jr.  
Colonel, US Army  
District Engineer

Enclosures: 14 Drawings